

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT:	S. Fujii et al.	CONF. NO.:	3017
U.S. SERIAL NO.:	10/068,414	EXAMINER:	B. Menberu
FILED:	February 6, 2002	GROUP:	2625
FOR:	IMAGE SENDING METHOD AND IMAGE SENDING DEVICE		

Commissioner for Patents  
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Sir:

**RESPONSE TO OFFICE ACTION**

Applicants are in receipt of the Office Action dated October 13, 2009 of the above-referenced application. Applicants respond to the Office Action as follows.

Claims 1-3, 5-9, 11-16, and 18-20 are pending in the application.

Independent claim 1 recites steps of: "selecting and setting an index of an image quality for the image data to be sent from plural indices of the image quality common to the plural types of sending modes; and setting a resolution corresponding to the selected index of the image quality and the selected sending mode" (emphasis added), where the step of setting a resolution can be carried out automatically. *See also* independent claims 7 and 13; and specification at page 11, last paragraph.

In other words, the Applicants' claimed invention can achieve the stated object of providing "an image sending method and an image sending device which are capable of easily setting a resolution for plural sending modes which respectively are capable of adopting various resolutions" (see specification at page 3, last full paragraph).

Claims 1-3, 5-9, 11-16, and 18-20 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,488,483 to Murayama in view of U.S. Patent 7,061,653 to Kohri, further in view of U.S. Patent 6,714,315 to Yoshida, and further in view of U.S. Patent 6,614,551 to Peek. This rejection is respectfully traversed.

On page 2 of the Office Action of 10/13/2009, it was alleged that reference number 42 of Kohri, which denotes a "Quality field," is being interpreted as allegedly corresponding to the claimed "index of image quality."

However, even though reference number 42 of Kohri is labeled a "Quality field," it does not correspond to the Applicants' claimed "index of image quality."

As stated in column 6, lines 33-34 of Kohri: "A Quality field 42 has a pop-up menu for selecting the resolution of facsimile transmission." Therefore, the Quality field 42 of Kohri merely enables the user to select a particular resolution, and there is no indication in Kohri of any "index of image quality" as claimed.

One of ordinary skill in the art would understand that Kohri discloses quantitative values of resolutions such as 100x100 dpi, 200x200 dpi, etc. (see, e.g., column 6, lines 34-39 of Kohri). In contrast, an "index of image quality" refers to qualitative indications of image quality such as "standard," "fine," "super fine," and "ultra fine" (see, e.g., specification at page 11, second to last paragraph).

Therefore, Kohri is exemplary of conventional multi-function devices in which the user must set the resolution, which has the drawback of being difficult "for a user who is not knowledgeable about resolution" (see specification at page 3, second paragraph).

Further, even if the Quality field 42 of Kohri is interpreted as corresponding to an "index of image quality," it is apparent that the "index of image quality" and user-selected resolution are

the same in Kohri, and thus set at the same time, i.e., by making a selection via the pop-up menu generated in the Quality field 42 of Kohri (see, e.g., column 6, lines 33-34).

In contrast, independent claim 1 clearly recites separate steps of "selecting and setting an index of an image quality" for image data, and "setting a resolution corresponding to the selected index of the image quality..." (emphasis added).

Therefore, even if Kohri was somehow combined with Murayama, whether taken alone or in view of Yoshida and/or Peek, the proposed combination would not teach or suggest at least at least the steps of "selecting and setting an index of an image quality" and "setting a resolution corresponding to the selected index of an image quality." The Applicants' claimed method and device do not require a user to be familiar with resolution, where the user can merely select an appropriate level/index of image quality for sending image data, and then the resolution is set based on that selection (see, e.g., specification at page 4, third paragraph).

On page 6 of the Office Action of 10/13/2009, the Yoshida reference was cited allegedly for disclosing that upper limits of resolutions vary from one sending mode to another. In particular, "Embodiment 2" of Yoshida (see column 7, line 48 to column 8, line 40) was cited as allegedly corresponding to the Applicants' claimed invention.

Referring to column 8, lines 22-33 of Yoshida, a resolution for facsimile communication through a dial-up connection can have a maximum resolution of 400 dpi x 400 dpi, whereas the maximum resolution using a leased-line connection is 600 dpi x 600 dpi.

However, the Yoshida reference does not remedy the above-noted deficiencies of the proposed combination of Murayama in view of Kohri. In particular, there is no teaching or suggestion of the steps of "selecting and setting an index of an image quality" and "setting a resolution corresponding to the selected index of the image quality." Therefore, even if Yoshida was combined with Murayama in view of Kohri, the proposed combination would not result in the Applicants' claimed invention.

For at least the reasons discussed above, the proposed combination of Murayama in view of Kohri, further in view of Yoshida, and further in view of Peek, does not teach or suggest the Applicants' claimed invention. Therefore, independent claims 1, 7, and 13 and their respective dependent claims are patentable over the proposed combination.

It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

/Steven M. Jensen/

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